

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes August 19, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 19, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Perrus, Reveal, Thao, Wang, Wencil; and Messrs. Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver, Schertler, and Spaulding.

Commissioners Absent: Mmes. *Halverson, *Merrigan, *Porter, *Young, and Messrs. *Commers, *Ward, and *Wickiser.

*Excused

Also Present: Donna Drummond, Planning Director; Tom Beach, Department of Safety and Inspections; Christine Boulware, Patricia James, Sarah Zorn, Jessica Rosenfeld, Anton Jerve, Ryan Kelley, Matt Wolff, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes August 5, 2011.

MOTION: *Commissioner Reveal moved approval of the minutes of August 5, 2011. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Commissioner Wencil, who is the Commission's first vice chair, chaired the meeting. She had no announcements.

III. Planning Director's Announcements

Donna Drummond reported that last Wednesday the City Council held a public hearing on the proposed student housing zoning moratorium and the people who testified against were people who wanted to potentially sell their properties for rental housing in the future or had student rental housing and felt this moratorium was an infringement on their rights. Several people also testified that it's been a real problem around the University of St. Thomas. The moratorium will be up for final adoption next week.

The Mayor announced his proposed budget for 2012 earlier this week and he is proposing a combination of \$6 million in budget cuts and an increase of about \$6 million in the levy. That will result in the elimination of 50 FTE's and the most of those will be accomplished through vacancies and none are currently proposed for the planning staff.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, August 16, 2011. West Side Flats located at 84 Wabasha Street South, 168 unit apartments with retail and covered parking; and the Schmidt Brewery Redevelopment located at 882 West 7th Street, 250 artist loft apartments and 13 new townhome units.

Three items will come before the Site Plan Review Committee on Tuesday, August 23, 2011. Crosby-Elway parking lot located at 2412 Shepard Road West, 12 car parking lot using pavers, removal of Crosby Lake Road, install trail and area for kiosk; Como Park Japanese Garden Experience located at 1225 Estabrook Drive, a new building entrance to Japanese Garden; and the Penfield – mixed use development located at 100 – 11th Street East, 29,697 sq. ft. Grocery and 253 apartments.

OLD BUSINESS

#11-250-250 Dram Investment LLP – Re-establishment of nonconforming use as a car wash. 1340 7th Street West between Mercer and Victoria. *(Ryan Kelley, 651/266-6562)*

Commissioner Kramer stated that this case had been laid over to get additional information on some of the issues regarding the previous operation and the impact on the neighborhood and how these might be addressed if the operation were to resume.

Commissioner Perrus asked about a prior approval that included six gas pumps and a used car lot.

Commissioner Kramer said this permit pertains only to the nonconforming use as the car wash and does not apply to previous auto sales and gas pumps. There are no gas pumps currently onsite; he did not know the status of the underground tanks.

MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#11-250-154 HRA (765 Edgerton) – Re-establishment of nonconforming use as a triplex. 765 Edgerton Street between Bush and Reaney. *(Sarah Zorn) 651/266-6570)*

Commissioner Kramer said that there were issues involving the property lines and encroachments on the adjoining property. The Committee further discussed those issues with the HRA staff, and the resolution addresses the encroachment issues. Since the Zoning Committee cannot transfer property between two parties, the recommendation of the Committee is that the applicant (HRA) continues to seek a portion of the lot either by easement or purchase or, failing that, that they remove existing encroachments. It's the goal of this nonconforming use permit to try and bring the property closer to conformance, but that is not a requirement of the nonconforming use permit. So the new condition still tries to achieve conformance, but also sets out an alternative method of compliance.

Commissioner Thao asked if this would allow the construction workers to continue to work on the site in addition to the HRA trying to obtain a portion of the property.

Commissioner Kramer said yes.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

NEW BUSINESS

#11-252-494 Dee Vang – Re-establishment of nonconforming use as a 4 plex. 342 Bates Avenue SE corner at 5th. (Matt Wolff, 651/266-6708)

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

#10-915-026 Culvers – Conditional Use Permit for a fast food restaurant with drive-through service, and modification of standards for ingress and egress on Pascal Street. (Anton Jerve, 651/266-6567)

A revised site plan, which relates to both the conditional use permit and the sit plan cases, was distributed to the commissioners.

Tom Beach, (DSI) Department of Safety and Inspections, gave an overview of the changes.

Commissioner Perrus raised safety questions for the two parking spots coming off the University Avenue driveway on the west side.

Mr. Beach said there was some discussion at the Zoning Committee, and the plan that was submitted kept those spaces. But those spaces could be relocated to another part of the site, so that there would be fewer people pulling in and out of parking spaces near the driveway.

Upon a further question by Commissioner Perrus, Mr. Beach stated that the parking space layout was reviewed by Public Works, and they did not raise any concerns about these spaces.

Commissioner Ochs expressed concern with the location of the handicap parking on the other side of a main ingress/egress route. He asked if there are any ADA requirements about location of handicap parking.

Mr. Beach said the ADA regulations state they need to be as close as practical or possible to the entrance to the building. They do not talk about having them across a drive lane. It would be better to have them right up against the building, but a situation where you have to cross a drive lane is not uncommon.

Commissioner Ochs concurs with Commissioner Perrus on the location of the two parking spaces off the University entrance. Commissioner Ochs also asked if there requirements for the number of cars in a queue for the drive through.

Mr. Beach said the requirement for fast food restaurants is to have spaces for 5 or 6 cars, and this drive through is in compliance.

Commissioner Schertler asked about alley access where there is residential property at the back.

Donna Drummond, Planning Director, said the Zoning Code does allow for commercial access to an alley when it is shared with residential if a number of conditions are met, including not creating a hazardous condition and consistency with an area plan that recommends reducing curb cuts on University to make it more pedestrian friendly.

Commissioner Schertler expressed concern about the driveway and alley curb cuts being so close together. He wondered whether just one could be used.

Anton Jerve, PED staff explained that it is a condition of the fast food CUP that there be no alley access with residential across the alley. This is a citywide requirement. This distance modification for the ingress/egress is consistent with modifications that have been given to other fast food restaurants along University.

Mr. Beach added that the presence of existing buildings limits where driveways could be put on the side streets, and having these driveways is preferable to sending the traffic out to the alley, which is not wide.

Ms. Drummond said that Commissioner Schertler highlights a very important issue that will continue to come up along University as redevelopment happens. There are tradeoffs, and issues with how the residential garages are oriented, the width of the alley, and the condition of the alley. For new developments there is a setback requirement that is now recommended as part of the TN requirements. It would require more of a setback from the rear so there will be more space for alley circulation.

Commissioner Wang stated she would like to see the fence along the sidewalk moved to where the edge of where the cars stack up -- something to encourage a sense of a wider sidewalk for the public. She also asked about outdoor seating.

Ms. Drummond explained that as part of the Central Corridor Zoning Study recommendations there is a requirement that new development be set back a minimum of 4feet through an easement given to the city or the property owner's landscaping.

Mr. Beach added that outdoor seating was discussed but in the end there was no room for it.

Commissioner Nelson stated he was reluctantly voting for this sit plan, mainly because of the difficulty of putting an auto oriented use along University Avenue. The Culvers operator said that they would typically be looking for 84 parking spaces; there are only 53 parking spaces on this entire site. This might mean that there will be more drive through users at this site because there is nowhere to park. The drive through does not seem like a good use of land in this area. In addition about 40% of the existing buildings are being demolished, reducing the floor area ratio.

He is concerned that the zoning code not count accessory parking areas in a building as square footage in floor area ratio calculations. He is hopeful there won't be anything like this again, because this particular property was caught between the interim zoning and the new zoning regulations.

Commissioner Spaulding said that tearing down building space in some ways results in a net reduction of density. That is a problem because the goal in the Central Corridor is to go in the opposite direction. He was concerned that landscaping was double counted: 15% of the parking area has to be landscaped green space and that same amount was counted again as a FAR bonus under the interim zoning ordinance. Density and FAR are going to be important considerations for future zoning cases in the Central Corridor. He also stated he would like to have the decorative fence moved back at least the 4 feet, which would be in line with the current ordinance, or at least provide that flexibility to the developer.

Mr. Beach stated he agreed with that observation and staff can tell the developer to move the fence back 4 feet. However, the fence is required under the zoning code for parking areas.

Ms. Drummond added that staff Anton Jerve will be preparing a memo providing more background on the issue of the FAR and how it is counted and what changed from the overlay to the new zoning in place now.

Anton Jerve, PED staff, clarified that if these buildings were demolished today and rebuilt; there could be a fast food with a drive through on this site under the new TN/CC Zoning Study. He explained that the floor area definition in the zoning code has been in place since 1975, unchanged. The definition of floor area is something that can be looked at, but it would affect projects citywide. He also explained that there is a requirement for interior landscaping under the parking requirements of 15 square feet for every 100 square feet of parking area. Under the zoning code that does not include perimeter landscaping. This site plan has about 25% interior landscaping. The Central Corridor Overlay provided some flexibility in meeting the 1.0 FAR. This project re-uses existing buildings, but removes rear portions. One portion of the eastern building was usable floor area, as defined in the Zoning Code, and that had to be replaced elsewhere on the site in order to keep the site from becoming more nonconforming. Under the overlay, landscaping can be used to count toward floor area.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 13-1 (Ochs) on a voice vote.*

#11-251-397 (#10-909-016) Midway Commons – Site Plan Review for renovation of two existing commercial buildings, addition of drive-through sales and service, and parking lot reconfiguration. 1489 University Avenue West. (Tom Beach, 651/266-9086)

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the site plan review subject to additional conditions.*

AMENDMENT TO MOTION: *Commissioner Spaulding moved to amend the motion to encourage staff to determine the appropriate place for the fence along the drive through. Commissioner Nelson seconded the motion. The motion carried unanimously on a voice vote.*

The main motion carried unanimously on a voice vote.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, August 25, 2011.

V. **Historic Preservation in Saint Paul** – Informational presentation on work of Heritage Preservation Commission and staff. (*Christine Boulware, 651/266-6715*)

Christina Boulware, HPC staff gave an informational power point presentation on the work of the Heritage Preservation Commission and staff.

Commissioner Thao agreed with the need for historic preservation but was concerned with how to balance that and the demographic needs, particularly with some of those east side cases. Those houses are great historically but they are just too small to house some of the families that need housing in the city. She asked how these needs were being balanced.

Ms. Boulware replied that designation doesn't freeze a property in time. Alterations and additions can happen in ways that are sympathetic to the character of the building and the neighborhood. The HPC doesn't look at the use of a building, but would review impacts the use may have on the exterior

Commissioner Connolly asked if the proposed demolition delay would be for every proposed demolition in the city or just in designated historic areas?

Ms. Boulware said yes, every proposed demolition. Commissioner Connolly replied that it is a big over reach.

Commissioner Connolly stated that historic preservation to him is like motherhood, kittens and butterflies, but how much is enough? He gave a comparison about the number of players in the baseball Hall of Fame. The more designation you do, the less that all of it means. He asked whether there was a limit or quota for the number of designated historic structures.

Ms. Boulware said that structures have to meet certain criteria to be designated. The broadening of the definition of preservation has changed to look at context and social fabric. In the 70's and early 80's when things were surveyed and designated, people looked at what were the best materials and what were the biggest houses, but they did not necessarily look into the contribution of the people who built the houses or lived there. With the most recent historic survey that was completed there was more consideration of people and social factors. For example, there is an area of brick workers cottages which related to the railroad industry. The survey looked at more than what's pretty, what's big, what's in the best condition, but who lived there and what impact did it have on the social fabric of Saint Paul. It's looking at preservation more broadly than what was looked at 30-years ago. Aside from that, there seven criteria for local designation and a building or district would need to demonstrate that it merits designation. Saint Paul hasn't designated many buildings or districts in the past decade. In the last thirteen years, there have only been two historic districts and three individual sites locally designated. The historic districts have or are being certified eligible for listing on the National Register in order to take advantage of Federal and State Historic Tax Credits.

Commissioner Thao said that although it isn't reviewed by the HPC, the church on East 7th Street painted the building red by accident.

Ms. Boulware said that's an example of how they do look at painting under certain circumstances. In general, buildings that have unpainted masonry should not be painted. A lot of times it adds more of a maintenance issue for the building but also if it is painted with the wrong type of paint that can cause some major structural damage, because it traps water and moisture behind the brick.

Commissioner Fernandez questioned the House of Hope Church and their fence which had recently received press. He stated that he did not see that any people that sit on the Heritage Preservation Commission are number crunchers or specialize in historic preservation on the contracting end. How is the economic feasibility of rehabilitating a building considered? An example is the Old Home building,. The real estate agent says that building is going to cost too much money to preserve and that is why they want to tear it down.

Ms. Boulware said that she is the staff that approved that fence for House of Hope. She noted that there are few staff and many permits to review and that she made a mistake and approved that application too quickly without looking at it as closely as she should have. As far as economic feasibility, there is no provision for economic hardship in the current ordinance. The commission has weighed the option of using different materials that vary the cost of a project. When it comes to demolition, the commission does review numbers for rehabilitation and stabilization. She indicated that she had not seen or reviewed a historic structure report or feasibility study on reuse for the Old Home Foods buildings and could not comment on how much it would cost to rehabilitate versus the cost of demolition. The building was determined eligible for listing on the National Register of Historic Places and tax credits could be available for rehabilitation of the building.

Commissioner Spaulding said that Ms. Boulware talked about how small area plans and other plans will now go through an evaluation by the Heritage Preservation Commission. Having a historic preservation chapter in the Comprehensive Plan certainly helps, but are there other ways that the Planning Commission can better interact with the HPC and be more helpful?

Ms. Boulware said that they are just beginning to better coordinate planning with heritage preservation and she appreciated the comment.

Ms. Drummond said that what has been outlined already is a step in the right direction and having a chapter in the Comprehensive Plan for preservation is highlighting that. There is a Historic Preservation section in the new template for small area plans. Designations for historic districts or sites go through the Planning Commission for comment as to conformance with the Comprehensive Plan. Historic preservation will become more visible in the work of the Planning Commission.

Commissioner Kramer asked about the house shown on Sims Avenue in the powerpoint presentation, saying that he drove by that house and at the time when that came up more than half of that block of Sims Avenue was vacant. Ms. Boulware stated that there were eight vacant Category 3 buildings on that block at that time.

Commissioner Kramer said that they have taken the need to deal with vacant buildings and put neighborhoods at odds with historic preservation because they are living next to some building that is in bad shape versus the need for historic preservation and it's not difficult to see where these arguments end up. Two neighborhood goals get pitted against each other.

Ms. Boulware said the area between Payne and Greenbrier from Jenks, Case and Sims all along there has been identified as part of the Swedish context of that neighborhood and had a large number of pattern book houses. The 1983 historic sites survey identified a potential historic district there. Now because of the loss of all those buildings they no longer have the opportunity for that historic district.

Commissioner Oliver asked what it would take to allow consideration of economic factors in decisions of staff or the HPC. One of the problems he hears about is that the historic standards are good in places like Summit Avenue but in Dayton's Bluff it's keeping people from fixing their houses. People who are in those houses cannot afford to do anything with the exteriors, because they can't afford the things that are necessary to comply with the standards. He added that he hears complaints about that all the time. Every neighborhood is different and we can't have the same standards that apply in the wealthiest neighborhoods also apply throughout the rest of the city because people do not have those resources.

Ms. Boulware said that not every property requires an architect to do any work. Also, no one is required to make changes unless they propose changes. Then if they are making changes they need to comply with the guidelines. So if the difference is between restoring the wood siding versus putting on vinyl siding, historic guidelines indicate that the wood siding should be maintained because that's what was prevalent. But there is a provision in the guidelines that says if the property is non-contributing or constructed after the period of significance, then vinyl siding may be appropriate. There are options within the guidelines. Condition of materials is considered.

Ms. Boulware ended by saying that the Twin Cities was chosen to participate in Partners for Preservation which is a program by the National Trust for Historic Preservation in partnership with American Express. One million dollars will be available for preservation projects and the public will vote for the sites starting in September. Voting will take place on Facebook.

VI. Comprehensive Planning Committee

No report.

VII. Neighborhood Planning Committee

Commissioner Wencil reported that at their last meeting they discussed various amendments to the nonconforming use sections of the zoning code. The next Neighborhood Committee meeting on Wednesday, August 24, 2011 has been cancelled.

VIII. Transportation Committee

Commissioner Spaulding reported that at their last meeting two weeks ago they discussed the Jefferson Avenue Bikeway, which will eventually be coming before the Planning Commission. There have been a lot of improvements already on the bikeway from one end to the other, but

there is one part of that project that remains undecided. This is a diverter at Cleveland that would allow bikes to go through that intersection continuously on Jefferson but not cars. That has met with some resistance from the neighbors. There's been a test pilot project of that diverter and the results from that was a fairly split opinion on whether it was a good idea or not. It also resulted in some increased traffic on the side streets, so there's been concern from neighbors about that. The committee did not do anything formal but left the people in attendance with the understanding that as representatives of the neighborhood they need to come back to the committee with some kind of proposal on how they are going to advance Jefferson as a bicycle corridor and fulfill the terms of the grant. Also, the next Transportation Committee meeting on Monday, August 22, 2011 has been cancelled.

IX. Communications Committee

No report.

X. Task Force Reports

None.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:18 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,

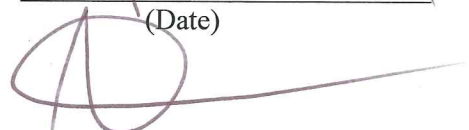


Donna Drummond
Planning Director

Approved

9-2-11

(Date)



Anthony Fernandez
Secretary of the Planning Commission